

The formal record of the hearing is the audio tapes.
The Agents notes area attached to, and part of, the minutes folders in the Com. Dev. office.

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, OCTOBER 1, 2008
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
Ann Jo Jackson
John Feener
William Febiger
Arthur Socolow
Brandon Frontiero

MEMBERS ABSENT

Charles Anderson

STAFF PRESENT

Nancy Ryder, Conservation
Agent
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman, opens the meeting of the Gloucester Conservation Commission.

68 HIGH POPPLES ROAD

Certificate of Compliance – on the agenda for signatures only – signed by all members present.

31 DENNISON STREET

Certificate of Compliance – on the agenda for signatures only – signed by all members present.

PUBLIC COMMENT: none/closed.

MINUTES REVIEW:

July 16th Minutes of the Meeting accepted as amended.

MOTION: Ms. Jackson

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

Commission Business –

15 WATERSIDE LANE

Ms. Nancy Ryder, Agent for the GCC reviews with the members and states that DEP has requested additional information consistent with information noted in the GCC denial.

An appeal was noted along with a DEP site visit with the Agent present. There is no final ruling and DEP requested a correction re: the delineation.

The applicant needs to come before the GCC regarding local ordinances

STACY BOULEVARD

The Agent reviews with the GCC re: a notice from MEPA re: Stacy Blvd. seawall repair project meeting to be held on site 10/07/08 1:00 PM.

She notes a chunk of wall approx. 100 ft long. The wall is to be built out from Pavillion Beach.

28 KENT ROAD

The Agent reviews with the GCC noting that this is a waterways license for Mr. LeBlanc at 28 Kent Road. She notes a DMF document re: significant adverse impact in relation to the waterways, the use of the piers, docks, etc. and the adverse impact re: shellfish. She stated that the DMF information was worth reading.

Mr. Febiger arrives 7:13 PM

MARSH STREET

This is in regards to the final decision re: Chris McCarthy/Marsh Street.

The Agent reviews with the GCC and states that the final notice from DEP was approved. This has been on appeal with DEP for years.

Letter Permits:

35 DENNISON STREET

Mr. Michael Malyszko requesting a letter permit for work at 35 Dennison Street.

The Agent reviews with the GCC and states this is for minor grade work and landscaping at the front of the house. This is an after the fact Letter Permit with the location near Goose Cove, for landscaping. All the work done by hand as wheelbarrows and shovels were being used.

Mr. Gulla inquired as to a concrete base with the Agent stating it is listed as a permeable soil base.

Mr. Gulla entertains a motion to approve.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Febiger VOTE: 6-0 all in favor.

17 HOLLY STREET

The Agent reviews with the GCC stating that this is in regards to an addition that is approx. 90 ft. from Goose Cove. There is a steep slope down on the outer edges of jurisdictional buffer zone. They are putting in trenches.

Mr. Gulla inquired as to them getting a Wetland Scientist to get a few flags up on the site.

The Agent states that they are 10 ft. in with machinery in the buffer.

The GCC reviews the plans.

The Agent notes an option for the applicant which would be the relocation of the house and the moving of the addition.

Mr. Gulla entertains a motion to deny the Letter Permit with aforementioned resubmission of the RDA.

The Agent states that they could pull it back 10 ft. and reduce the size of the addition.

Mr. Gulla states that he feels it either has to go or stay and is not delineated accurately.

Either reduce it 10 ft. or file an RDA.

The original delineation was noted as 110 ft. and now its 90 ft. which is now the accurate number.

Mr. Gulla entertains a motion to deny the Letter Permit.

MOTION: Mrs. Jackson

SECOND: Mr. Frontiero

VOTE: 6-0 for Denial.

The Letter Permit was denied.

Public Hearings

FERNWOOD LAKE DAMS Map 219

BABSON RESERVOIR DAM Map 296

This is a Request for Determination submitted by the City of Gloucester, Mike Hale, DPW Director to clear vegetation and conduct surveying and test borings and dam maintenance. The posted public hearing is scheduled for 10/15/08.

Mike Hale present and before the GCC along with Mark Mitch, Prof. Eng.

Mr. Hale noted that the dam inspections were less than favorable re: Phase 1.

They are not ready to file an Nol re: Phase 2.

He states that they are obligated to perform this type of work. He notes Section 12 and states that it allows them to do minor clearing other than trees.

Mark submits, for viewing, reports re: dams. He states that the area is heavily overgrown along with debris and brush and this shades and blocks the grasses that provide erosion protection. A good healthy grass needs to be established. They are old dams and have been neglected. He discussed trees in the area that are not holding the soil together and states that the soil holds the trees up. He started to go into great detail with Mr. Gulla stating that they, re: the time elements at the meeting, go off course and that there is no need for all specifics.

The Agent states that it has been established that 6 dams in the City of Gloucester are in imminent danger of failure.

Mark notes cutting to 6 inches to 1 ft. above the ground surface to get a survey base plan and test borings. He notes no trees larger than 5 or 6 inches in diameter.

Mr. Hale states that they may be back before the GCC to say that the trees have to go but we need to get some Eng. in there to make delineation.

Mr. Gulla asks the GCC what they would like to see and hear at the next meeting.

The Agent notes, plans re: maintenance and clearing for the borings. The RDA is a vehicle in permitting as to whether it is exempt or not. If it is not, you can issue delineation if you are convinced that no catastrophic occurrence will happen as a result of this.

Mr. Hale states that they are going on the premise that this is maintenance and ongoing.

Mr. Gulla states that he agrees with the Agent that this needs an RDA and inquires as to the GCC recommending this for the next meeting.

Ms. Ryder states that no one is saying you need a Notice of Intent, just that in general more information is needed.

Mr. Gulla noted that simple diagrams would do at this time.

Mark inquired as to the applicability of Google earth images and the circling of areas to be cleared and not cleared. The cutting is needed so that they can get in and evaluate the integrity of the dams. He notes DCR and this being official re: dam safety.

The Agent states that when you go to ground cover, that's clear cutting.

Mr. Socolow states that with a new plan can the trees be shown?

Mark stated no, it cannot as they need to cut to get the survey of where the trees are located.

Mr. Gulla notes that views from above may assist us as to what is there for area, the trees and the three locations.

Ms. Jackson states that we need to see the new plan and figure out how to move forward with the process.

Mark shows the photos to Mr. Socolow re: the area to be worked on.

Mr. Socolow notes that a statement was made about trees preventing erosion. The trees along a stream embankment prevent erosion. He further stated that he finds it hard to believe that trees do not help stabilization.

Mr. Gulla questioned the existence of a document re: nothing other than grass re: the dam or berm design.

Mr. Socolow inquired as to the stumps with Mark stating that they are only talking about bushes and small trees.

Mr. Socolow stated that Mark seems to suggest that the trees need to go with Mark stating yes.

Mr. Socolow stated that if he brings in evidence that the trees have to go, what about the stumps? Mark states that they will pull them out.

Mike Hale states that they are not cutting trees and will be back for that.

Mr. Gulla states that Dr. Socolow is right re: clearly showing what is what re: trees to be cleared and what is not going to be cleared, then a plan re: the dam and what is to be definitely cleared.

PUBLIC COMMENT: none/closed.

The Agent inquired as to the timeline re: Babson and if it is destabilized what is the stabilization plan for the area, as there is Senior Housing below it.

Mark states that they will monitor the dam.

The Agent asked if he planned to protect the seniors. She asks if there is no grass stabilization, how are you going to protect the area?

Mark states that they can provide the GCC with that information. This has been in poor condition for decades and they have a development plan to bring them into standard.

Emergency action plans are available.

Mr. Socolow inquired as to the danger being a dam failure with Mark stating yes that is the danger.

Mr. Gulla states that Dr. Socolow wants to know what is triggering this to come up now.

Mr. Gulla entertains a motion to continue the matter to 10/15/08 7:30 PM

MOTION: Ms. Jackson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 6-0 all in favor.

10 ROSE LANE Map 101, Lot 21

The Commission reviews whether corrective action was taken and/or to discuss violations that have occurred.

The Agent reviews with the GCC stating the removal of the float to be done by this month along with the filing of an Nol for moving them.

High tide was missed.

The high tide cycle is 10/16/08 and more time was requested.

PUBLIC COMMENT: none/closed.

The Agent states that they may not file an Nol and notes the right of way and the fact that he may or may not do that. He may not put it back. We do need mitigation for the damage done. The damage is the width of the float system. It needs to be moved to allow for the continuation of the flow to the October tide.

We can verify the extent of the damages after the removal and she will do a post removal review.

Hearing closed, if not done new violation process will start. Done voted unanimous.

Mr. Gulla entertains a motion to close the hearing and if the above is not done a new violation process will start.

MOTION: Ms. Jackson moves to approve (to the mid October tide)

SECOND: Mr. Febiger VOTE: 6-0 all in favor

56 NEW WAY LANE Map 221, Lot 9

This is a Request for Determination submitted by Bell Atlantic Mobile to construct a gravel access way and to construct a monopole communication tower with an associated equipment compound near isolated land subject to flooding.

Mr. Mike Giaomo reviews with the GCC stating a revised plan was submitted with an attempt to replant a previously disturbed area.

The GCC reviews the plan.

Noted was #3C and coming back with a mitigation plan that would equate the area that was to be disturbed and replicate and plant around the vegetated area.

2300 sq. ft of disturbance – 4720 sq. ft. of mitigation.

The Agent states that it looks great. She notes that they agreed to disagree re: the vernal pool and having to wait until next spring, with Mike in agreement.

Mr. Febiger inquires as to what type of vegetation and was told blueberry, natural vegetation and grasses.

Mr. Gulla inquired as to anything in our jurisdiction to be removed with Mike stating no.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion for a negative determination. (+2A/+5/-3)

MOTION: Mr. Febiger

SECOND: Mr. Frontiero VOTE: 6-0 all in favor.

76 HIGH POPPLES ROAD Map 73, Lot 23

This is a Notice of Intent submitted by Paul Cunningham to remove and replace a dwelling, shed, walls and stairs and to conduct associated landscaping in a bordering vegetated wetland.

Mr. Ben Gary rep. the applicant reviews the plan re: revisions with the GCC.

Where there was blue stone is now crushed stone and if a deck is to be constructed, crushed stone will be underneath that as well.

He notes concern re: the property on the right and flooding in Links Lane. He further notes a 10 inch pipe and catch basins from 68 Popples Rd. He has been to the site three times and

in heavy rains, and has not seen any evidence of flooding in the area. There is a proposed stone wall that was moved in 4 ft to accommodate a gentle swale. The water that flows to the right is to be caught by the swale. There will be rebuilding of the remains of the stone wall that exists to the left. He asks if this is acceptable to the GCC with the modifications being done.

Mr. Gulla notes that the only issue not reviewed is the flooding characteristics and if anyone has an issue with this they need to bring it up now.

The Agent states that she is in agreement with Mr. Gulla. She states that re: the flood potential and with the modifications noted and she has no remaining concerns.

Mr. Gulla states that the proposed house is less impervious than what is there now.

He would like to see a section submitted to the file showing the construction of the stone wall and what bleeds out and filters through the lawn, for proper evacuation of the wall.

Mr. Gary states that crushed stone will be behind it. They are trying to duplicate the flow as it is now.

Mr. Gulla inquired as to a future shed to be built with Mr. Gary stating that is being done at a later date. Mr. Gulla states it is to be on blocks.

Mr. Gary will file an Nol or an amendment to this one and they will come back.

Mr. Gulla states that this is a most sensitive area.

Mr. Gary notes that they may be relocating it if it is ever built.

The Agent notes that hydric soils could not be found, 4 soils were taken and they couldn't get down deep enough. BVW not into the property but maybe to the property.

Mr. Gary states that no excavation will be done.

Mr. Gulla notes the large trees on one side re: the stone wall and damaging the root systems. A good substantial base needs to be done re: the 4 ½ ft. wall. The concern is that 6 inches is not a lot and you need at least 18 inches.

Mr. Frontiero asked how high are the walls? He asks that they work from the wall back and notes the east corner and no deeper than a 6 inch base. In regards to the east corner North West: 8 ft over from the corner would be good.

Mr. Socolow inquired as to dumpsters or trucks for the demolition debris.

Mr. Gary states that a truck will be going in and out from the street for removal.

Mr. Frontiero states that they don't want a 4 ft. retaining wall on organic soil and to get to another layer of soil you run the risk of damage to the roots.

PUBLIC COMMENT: none/closed.

Mr. Gulla entertains a motion to approve, with no approval of the shed as amended, new location of the wall, and the retaining wall on the east side with a 6 inch base and 8 ft at the North West. That wall sets the work area and you need to work back from the wall.

Mr. Febiger noted erosion controls with Mr. Gary stating hay bales would be used.

The Agent states no hay bales are to be used.

Mr. Gary states that straw would be used as well as a silt fence.

MOTION: Mr. Socolow moves to approve with conditions.

SECOND: Ms. Jackson VOTE: 6-0 all in favor.

Mr. Gulla entertains a motion for a 5 minute recess.

MOTION: Ms. Jackson

SECOND: Mr. Frontiero

VOTE: 6-0 all in favor

Meeting resumes.

17 NORWOOD HEIGHTS Map 181 Lot 20

This is a Notice of Intent submitted by William and Deborah Ebeling to construct a single family dwelling with associated utilities in a buffer zone to wetlands.

Mr. William Manuell is present and before the GCC. He states that this is a new NOI but is something that the GCC has seen in 2002. The OoC was given to remove and rebuild and was extended but expired in 2007. The delay was due to the fact that there was a lot of work to be done and the restrictions for blasting. Rock chipping went on and on. The house is in the same position as previously noted and 480 sq. ft. smaller than approved. The house is going where the previous home was located. He notes Lake Rd. as being unconstructed. The wetland was flagged in 2002. He was out at the location this summer and notes the topography as being pretty sharp. He used the line from 2002. The 100 ft. buffer zone extends from that to the middle of the site. More ledge needs to be popped off, a filling poured and standard construction done. Dumpster will be present as well as erosion controls. In regards to blasting, a pre-blast survey is needed.

Mr. Solocow inquired as to the utilities with Mr. Manuell stating that they may have to blast for the utility trench. He states that the height is critical as the covenant states it cannot be above elevation 70.

The profile of the home was reviewed by the GCC.

He notes that it is 60 ft. away from the wetland and 20 ft. higher. In regards to the wetland and blasting he states that it is fairly unlikely that they are going to get a charge that would impact the adjacent to wetland.

Mr. Socolow inquired as to any other buildings in the area with Mr. Manuell stating yes, and notes homes in area 2 and he guesses it is around 30 ft. from blasting.

Mr. Gulla notes that the applicant is required to have surveys for blasting. Mr. Manuell notes video documentation is done and notes the figure of 2079 sq. ft.

The Agent agrees and states that it is already permitted.

Mr. Manuell states that there will be a step system and the tank is to be relocated and will go where it is noted on the plan. He notes that previously the roof runoff went into the side of the yard and they will do that as well as rain barrels being used.

He notes that they will have to go through the Engineering Dept.

The Agent notes that Frank Ventimiglia Engineering Dept for the City may recommend shallow grass swales.

Re: the landscaping, Mr. Manuell notes annual weeds and field grasses and he is open to conditions being in a landscaping plan as an amendment.

Mr. Gulla notes this being done within a year.

Mr. Manuell inquires as to what about 6 months after the issuance of the CoO.

The Agent notes that it is not a mitigation plan, (2 to 1), so it would seem ok with the six months after the CoO.

Mr. Frontiero states that in having to blast there is an over-blast and the Board of Inspections may review the blasting.

Mr. Gulla summarizes and states that conditions noted should be:

Planting plan 6 months after the Certificate of Occupancy (within that time frame)

Engineering report re: any runoff issues

Pre/post blasting survey

Submissions to the GCC

The Agent notes no review by DEP has been submitted.

Mr. Gulla entertains a motion to continue the matter to 10/15/08 7:05 PM

MOTION: Mr. Febiger

SECOND: Ms. Jackson VOTE: 5-0 all in favor

The Agent notes that Permit no. 2859 needs to be closed out.

No. 2815 39 closed out.

Mr. Gulla entertains a motion for closure.

MOTION: Mr. Socolow moves to close out these permits.

SECOND: Mr. Febiger VOTE: 5-0 all in favor

54 ROWLEY SHORE ROAD Map 141 Lot 41

This is a Notice of Intent submitted by Frank and Ellen Previte to raze and re-build a studio building in a buffer zone to coastal bank and BVW.

The Agent notes a request for continuation until 10/15/08.

Mr. Gulla entertains a motion to continue.

MOTION: Ms. Jackson moves to continue the matter to 10/15/08 9:00 PM

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

47 HIGH STREET Map 153 Lot 54

This is a Notice of Intent submitted by Nancy and Phillip Hoofnagle to construct a dwelling with associated utilities in a buffer zone to wetland resource area.

Mr. Dan Ottenheimer, Mill River Consultants, is present and representing the applicants.

Nancy and Phillip Hoofnagle are present as well as parents of the applicant, The Newmans'.

Mr. Ottenheimer reviewed the plan with the GCC and states that this is a 20,000 sq. ft. parcel in a natural state. There is no DEP number and or comments as of yet.

He notes the plan and states what is proposed as a house, garage, shed, above ground swimming pool and utilities. In noting the site he states that the adjacent parcel had a fair amount of fill brought in and it is on the applicant's property. An Enforcement Order is on file. The first thing is to remove and restore the fill area to its natural configuration on the property side of the applicant. The second thing would be the proposed extensive areas as undisturbed zones, noting the western side and 2800 sq. ft. He further notes a 5 ft. buffer at the resource area with a no disturb zone as 1300 sq. ft. The total of the two areas just noted in their natural state is over 4000 sq. ft. on a 20,000 sq. ft. lot.

He notes the land being in the family and owned for many years. Thirteen acres of the property was donated to the Greenbelt Association by the applicants grandparents.

Mr. William Manuell, Wetlands Management, notes that the area is very thick and dense and is like an abandoned urban lot, with the exception of the cart path. He states that the wetland is meadow-like and he also noted a stone wall. He could not see where the wetland went, beyond the stone wall. He would call it an isolated vegetated wetland.

He states that in re: the house, 15 ft. from the wetland from the edge of the foundation.

In regards to mitigation he notes an erosion barrier and an orange construction fence with loam being taken offsite and then brought back in again. Stockpiling to be done in the middle of the site if that is possible. He further noted the dewatering area into a *****.

He states that the lumber will be in the driveway, as well as the dumpster. This will be a modular type construction and not stick built and will come into the road and be hoisted to the site and placed on the foundation. The proposed shed will be on blocks. He further noted the construction of an above ground pool.

There is a 5 ft. strip between the edge of this and the edge of the wetland. He notes a post and rail fence as well. He notes the 12 to 13 acres donated to the Greenbelt Association and the westerly area as a no disturb zone.

He states that a wetland seed mix for re-vegetating the area is perfect and notes two substantial areas of wetland to be restored.

He notes conditions listed: site contractor and number, the wetland boundary being flagged again or a construction fence and the potential dangerous conditions. He notes the construction sequence being submitted. He conveys to the GCC that this is a tough site with not a lot of area.

The Agent states that in regards to the land donation, if it was intended as future mitigation, that is fine but she does not know the depth of the ground water.

In regards to the 5 ft. vegetated buffer, it can be converted to 10 ft. average and shift the shed with the pool approx. 7 ft. If you make this switch you can further separate the work area from the wetland and still have both.

She notes the figure of 2800 sq. ft. and states that it is not really accessible or useable and she is not sure it can be offset as mitigation.

The Agent states that the GCC may view the donation as mitigation as that is up to them. The delineation is not confirmed.

Mr. Socolow notes that on the other side of the 5 ft. no disturb zone is wetland.

He inquires as to why a portion of the no disturb zone running parallel to the house is not included as a no disturb zone. Mr. Ottenheimer notes the plan pointing out the particular area in question.

Mr. Gulla notes the softening of the hard edges and notes the Agent's statement that it will eventually be mowed straight.

Mr. Febiger states that he agrees with the wider buffer, especially between C7 and A1 and C4 and C6.

PUBLIC COMMENT:

Mr. Arthur Heinonen 43 to 45 High Street had concerns about water on his property re: the grade change and the house being higher.

Mr. Ottenheimer stated he had the same concerns and that they were hoping to remove some of the area in the wetland. There is proposed fill around the dwelling. No fill to the property line.

Mr. Febiger inquired as to the set back for the pool with Mr. Ottenheimer stating he was not sure on that.

Mr. Gulla stated that they have standards (if approved) for the pool. It was noted that the pool could be to the left as the Agent had stated but there is also an issue regarding the house location to the pool.

Mr. Febiger notes the location of the pool being where it is on the plan or further left. He notes a diagonal area around the pool.

Mr. Ottenheimer notes a proposed floating deck around the pool.

Mr. Gulla states that he appreciates the components that are in place at this time rather than after the fact.

Mr. Febiger inquired as to the porch and would it be open with Mr. Ottenheimer stating that it would be a covered porch with no walls.

Mr. Gulla asked if it would be open decking and an open porch with Mr. Ottenheimer stating, yes and further stated that the final plans for the house are not yet complete.

Mr. Gulla stated that it would be helpful to know how far into the ground they are going to go with this 1st floor in relation to grade. The GCC needs that information.

Mr. Ottenheimer stated that their goal is to have a basement.

Mr. Gulla requested a diagram.

The Agent noted that there should be a general vote with the GCC re: mitigation.

She asked if the GCC wanted to see mitigation between the structure and the wetland and further noted that it is the norm. The GCC needs to determine if the previous substantial donation in the 1980's of 13 acres is considered mitigation re: this plan. The GCC needs to make a ruling. She further stated that the abutting property owner wants to claim the donation as part of mitigation as well.

Mrs. Charlene Newman stated that the abutter is a cousin who bought the abutting land.

Mr. Gulla stated that another way to look at this site is to view it as a whole and not to include the Green Belt donation.

Mr. Socolow stated that the donation is not relevant to this issue or the adjoining lots.

Mr. Gulla states that we are looking for a 10 ft. buffer.

The Agent states that a site visit needs to be done, the depth of the ground water determined and at least a drive by to check out the property.

She states that the applicant came in and really tried to mitigate and it is appreciated.

Mr. Gulla states re: the wetland, permanent posting and signs should be in place.

Mr. Ottenheimer states they would prefer a chain link fence with signs.

The Agent states she does not like a chain link fence at the wetland.

Mr. Gulla states that some sort of fencing and/or markers need to be in place. He further told the applicants to take some time in regards to the location of the pool.

Mr. Febiger inquired as to the driveway with Mr. Ottenheimer stating it would be impervious.

Mr. Gulla stated that the GCC would like to see it pervious and not to use polymeric.

Mr. Gulla entertains a motion to continue the matter to 10/15/08 9PM

MOTION: Mr. Socolow

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

Mr. Gulla entertains a motion to open 54 Rowley Shore Rd to continue the matter to 11/05/08.

MOTION: Ms. Jackson moves to open the matter.

SECOND: Mr. Febiger VOTE: 5-0 all in favor

Mr. Gulla entertains a motion to continue the matter to the date of 11/05/08 7:30 PM

MOTION: Ms. Jackson

SECOND: Mr. Febiger VOTE: 5-0 all in favor

Certificate of Compliance

6 HARRIET ROAD

This is a Request for a Certificate of Compliance from Mr. Barry Mohan.

He states that this would either be a Letter Permit to remove pavers by hand or a CoC as built in relation to the amount of planting that was not mitigated.

Mr. Gulla asked if the applicant was to use rip rap or plantings with the applicant stating, plantings.

The Agent states that she did not do a specific site visit but is familiar with it having taken walks in the area. She notes it as 75 ft. from the wetland.

Mr. Gulla notes 800 sq. ft. of impervious. He states that it is suppose to be pervious gravel but they put in tight pavers with possible stone dust.

Mr. Frontiero noted that there was more impervious with the reduction of the house.

Mr. Gulla states that possible planting could be done along the side.

Ms. Jackson states a possible amendment to the file.

Mr. Gulla states that what the GCC is looking for is some plantings to try and stop the runoff. Photos were viewed by the GCC.

The Agent states that she has concerns about the wetlands and notes a 5 to 10 ft. buffer to be in place along the wetland and further noted the lawn. She notes a vegetated buffer to offset mitigation.

Mr. Gulla noted the possible reduction in the house size, offsetting the mitigation.

It is a possible 15 sq. ft. and notes the photos viewed, as long as it is indigenous and not invasives. Mr. Gulla further stated that he would like to see the planting done and then the GCC could sign off on it.

The Agent states that a letter can be sent re: future buyers and what is to be required.

Mr. Gulla entertains a motion to approve the mitigation of 50 sq. ft. and the reduction in the house size to offset the impervious drive.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

Request for Extension Permits

640 ESSEX AVENUE

This is a Request for an Extension Permit with Mr. William Manuell present and before the GCC stating they are at the end of the OoC and would like to request an extension permit. He states this is a request for a 1 year extension of something the GCC has already approved.

The Agent stated that the market speculation was noted and the GCC felt that it was not reasonable grounds for the extension and she was in agreement with that. She states that there has been a tremendous amount of development in that area of Gloucester.

Ms. Ryder stated that she did not know if setting a precedent re: speculating on market stimulation was a good idea for a criteria.

Mr. Gulla asked in general terms what reason would we have to not agree, in particular with this site.

The Agent read from her notes (40B) and can be inserted if needed.

The Agent states that financial gains should not be a reason to allow an extension of a permit.

Ms. Jackson stated that the GCC has given extension permits for economic concerns in the past but she is not sure if this particular issue is the same.

Mr. Gulla inquired as to what extension permit wouldn't be for economic reasons.

The Agent states that one reason would be that the issue was held up in court. She further states that there has been no attempt to even start this project and she then proceeded to read the guidelines. She notes it as being discretionary as only one, the 1st one of the guidelines even applies.

Mr. Socolow asked if this was first time this request had been made with Mr. Manuell stating yes.

Mr. Gulla entertains a motion for or against the approval of an Extension Permit.

MOTION: Mr. Socolow moves to approve.

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

57 FOLLY POINT ROAD

Mr. Jeff Klug is before the GCC representing Mr. Frederick Taylor as well as Mr. Rob Higgin. Mr. Klug addresses the GCC and notes this as an amendment.

He reviews with the GCC noting the 1st OoC in 2003 and states it came in, in 2006.

Spring of 2007 brought the cost of construction to approx. \$700,000.00. They went back and redesigned the house. He notes that he applied for a foundation permit and noted less impact. He notes the plan and states that the pool house has been moved back significantly. The blue dotted line shows the previous location of the house and the house is in a new location. The footprint of the house has been pulled back from the buffer zone with a reduction in 313.7 sq. ft. He notes the retaining wall and states that the steep grade has been reduced.

Mr. Gulla states that as an extension he feels the Agent can deal with this as it is an amendment and that they should come back, having submitted packets, so the GCC members can review all the information.

The Agent states that this is the last extension as it will be the 3rd, (6th year).

Mr. Socolow inquired as to why the GCC would be giving approval of an extension when they are coming back before the Commission with an amendment.

The Agent states that the permits are about to expire. She further notes that even with the GCC granting the extension that does not make for the approval of the amendments.

The extension is for the existing project.

Mr. Gulla states that the GCC approved it before and he has no problem extending it for one year, the last year.

Mr. Gulla entertains a motion to approve the extension.

MOTION: Ms. Jackson moves to approve

SECOND: Mr. Socolow VOTE: 4-0 ABSTENTION: 1 Mr. Febiger

Mr. Frontiero states that he would like to see the plans for the wall re: the amendment. He further stated that he was ok with the extension.

Mr. Gulla stated that they would like to see cross sections and photographs and they can take it from there.

Mr. Socolow stated that if the amendment is approved the project still has to be done within the extension time frame.

Agent's Report on Violations

4 STANWOOD POINT

This matter is on the agenda re: a discussion of issues on site and vote whether or not to re-open the existing Enforcement Order.

Mr. Bernard Sova, the property owner, is present and before the GCC.
The Agent reviews with the Commission and notes that one structure had been connected to the plumbing and notes black water and that it was caught. The plumbing in the cottage was not connected to anything.
Mr. Sova states that it was like that when he bought the property.
The Agent states that work continues on the site without approval from the GCC.
Mr. Sova states that every day something new comes up and he would like an example of what the GCC wants.
Mr. Gulla states that we are willing to set up a meeting with Ms. Ryder stating that they already did that one year ago.
Mr. Sova states that he had a failure on site and got a violation for it.
Ms. Ryder states that what occurred was discharge into the river.
Mr. Gulla states that he is going out to the site with Ms. Ryder and that they really want to work with Mr. Sova on this issue. He further stated that Mr. Sova could have come to the GCC sooner and not just when threatened with violations.
Mr. Sova stated that in re: the black water, he would need a letter from the Agent to give to the contractor for this type of work.
The Agent states that she has not received any request for that and states that Mr. Sova needs to submit something so they can have a meeting.
Mr. Sova states that he wants to get this done.
Mr. Gulla states that the GCC wants to get this resolved as the GCC cannot allow this to go on any longer.
Mr. Gulla moves to table this issue.
The Agent states that the applicant is responsible for having permits and that he should start at the Board of Health and get on a list for a meeting.
Mr. Gulla entertains a motion to continue this matter to determine whether or not to re-open the Enforcement Order.
MOTION: Ms. Jackson moves to continue this matter to 10/15/08.
SECOND: Mr. Socolow VOTE: 5-0 all in favor.
Site visit: 10/07/08 8:30 AM.

DPW/Engineering Requests

KONDELIN ROAD DRAINAGE – easement maintenance request

The Agent reviews with the GCC noting photos re: an intermittent stream that had storm water added to it. The stream backed up and the parking lot is lost in the rain.
The DPW wants to use a Bobcat or similar machine to remove the sediment.
Mr. Gulla entertains a motion to approve.
MOTION: Mr. Socolow moves to approve the easement maintenance request
SECOND: Mr. Febiger VOTE: 5-0 all in favor

DPW: Trailer removal in the yard

Mr. Gulla entertains a motion to approve the trailer.
MOTION: Ms. Jackson moves to approve
SECOND: Mr. Febiger VOTE: 5-0 all in favor

Requests for Certificate of Compliance

Massachusetts Avenue – Castle View Homeowners request a continuation for further discussion.

All Certificates of Compliance were discussed and voted on as follows:

51 NASHUA AVENUE

228 ATLANTIC ROAD

7 KIRK ROAD

6 HARRIET – voted on with discussion as aforementioned.

Mr. Gulla entertains a motion to approve.

MOTION: Ms. Jackson moves to approve the above Certificates of Compliance

SECOND: Mr. Febiger VOTE: 5-0 all in favor

15 WOLF HILL WAY

11R SHIPS BELL LANE

19 RIVERSIDE ROAD

726R WASHINGTON – The Agent notes that there was never a submission of information that the wall was pre-existing.

Mr. Gulla entertains a motion to deny the Certificates of Compliance for the above.

MOTION: Ms. Jackson moves to deny the Certificates of Compliance for the above.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

Minor Amendment

10 Bayberry – Mr. Bill Witham requests a location change to avoid cutting a tree DoA 1141.

Mr. Gulla entertains a motion to approve.

MOTION: Mr. Socolow moves to approve.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor.

TABLED ISSUES:

Michele Harrison requesting re use of funds by Kestrel for vernal pool protection.

30 Rowley Shore Road – calculations and final planting plan

NOTED ISSUES:

New updated NHESP habitat maps are in and one is available for review at this meeting.

Recommended design standards for walkovers on coastal dunes, sent by DEP for the Commissions use. Copies have been sent to each member.

Mr. Gulla entertains a motion to adjourn this meeting of the Gloucester Conservation Commission.

MOTION: Mr. Febiger moves to adjourn.

SECOND: Mr. Socolow VOTE: 5-0 all in favor.

Respectfully submitted,

Carol A. Gray
Recording Clerk